IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD.

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.556 OF 2003

Between:

S.Krishna Murthy, son of Ramanaiah, aged 55 years, Senior

Assistant, (under suspension), JNT University, Hyderabad, resident of Hyderabad.

Petitioner.

AND:

Jawaharlal Nehru Technological University, Hyderabad, represented by its Registrar.

Respondent.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent in continuing the petitioner under suspension from 23-7-1994 as arbitrary, discriminatory, illegal and violative of Article 21 of the Constitution of India and consequently set aside the same and direct the respondent to drop further proceedings in the matter and to treat the period the petitioner was kept under suspension from 23-7-1994 as the period spent on duty with all other consequential benefits, monetary and otherwise.

Counsel for the petitioner: MR. V. JAGAPATHI

Counsel for the respondent: MR. C.KODANDA RAM

COUNSEL FOR THE JNT UNIVERSITY.

The Court made the following:

ORDER:

Challenging the action of the respondent in continuing the petitioner under suspension from 23.7.1994 as arbitrary and illegal and seeking a direction to set aside the same and to direct the respondent to drop further proceedings in the matter, the present writ petition is filed by the petitioner.

Heard the learned counsel

Even assuming for a moment that the petitioner is alleged to have committed serious financial irregularity by misappropriating an amount of Rs.10 lakhs as contended by the learned Standing counsel for the University, it does not mean that the university can keep the petitioner under suspension for a decade without deciding the enquiry. Being instrumentality of State, the action of the respondent must be transparent, fair and reasonable. In this view of the matter, the action of the respondent, is totally unjustified and arbitrary. Therefore, the suspension order dated 23-07-1994 is liable to be set aside.

The writ petition is allowed and the order impugned is set aside. However, it is made clear that all the remedies that are available under law to the University, are kept open.

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Justice K.C.BHANU

Date : 29-06-2005

dvs

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Wednesday the Twenty Nineth day of June, Two thousand and five.

Copies to:

1. The Registrar, Jawaharlal Nehru Technological University, Hyderabad,.

2. Two CD copies.

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.556 OF 2003

29th June, 2005